

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Troy K. Scheffler,

Court File No. 11-CV -3279 (JNE/JJK)

Plaintiff,

v.

Jack Molin,
in his individual capacity
acting under color of law as a
Crystal Building Inspector,

and the

City of Crystal, Minnesota,

Defendants.

FIFTH DECLARATION OF PETER J. NICKITAS

COMES NOW THE DECLARANT AND HEREBY STATES THE
FOLLOWING:

1. My name is Peter J. Nickitas.
2. I am the attorney for plaintiff Troy K. Scheffler in this lawsuit.
3. I respectfully submit this declaration to request leave to accept the e-filed memorandum in opposition to defendants' dispositive motion.
4. My records indicated a filing on the 24th of July.
5. I delivered the paper copies of the Memorandum in Opposition to the Court on 30 July 2012.
6. No changes in the memorandum in opposition have been made since the completion of the same on 24 July 2012.

7. The error is mine, and should not redound to Mr. Scheffler's prejudice.
8. The error is an inadvertent error.
9. I request that the court grant the defendants leave to reply timely for the scheduled 30 August 2012 hearing.
10. NOTHING FOLLOWS FROM YOUR DECLARANT.

9 August 2012

Respectfully submitted:

PETER J. NICKITAS LAW OFFICE, LLC

/s/ *Peter J. Nickitas*

Peter J. Nickitas, MN Att'y #212313
Attorney for the plaintiff